

ORIGINAL

CV 17-4681

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

MAUSKOPF, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BLOOM, M.J.

-----X
Fritz Celestin, #1131620248,
Full name of plaintiff/prisoner ID#

Plaintiff,

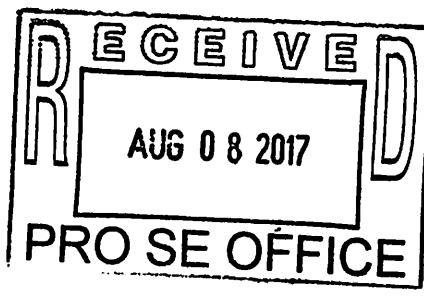
JURY DEMAND
YES _____ NO X

-against-

The City of New York, The New York
City Dept. of Corrections, Corrections
Officer Myers (#15357)

Enter full names of defendants
[Make sure those listed above are
identical to those listed in Part III.]

Defendants.
-----X



I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (X)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district;
if state court, name the county)

3. Docket Number: _____

4. Name of the Judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: Otis Bantum Correctional Center (OBCC)

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes (☒) No ()

C. If your answer is YES,

1. What steps did you take? Reported incident, filed grievance, called 311 to make complaint

2. What was the result? Nothing

D. If your answer is NO, explain why not _____

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

F. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Fritz Celestin, #1131600248

Address 1600 Hazen Street, East Elmhurst, NY 11370

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

The City of New York
100 Church Street, 4th Floor, Communications Unit
New York, NY 10007

Defendant No. 2

City of New York Department of Corrections
100 Church Street, 4th Floor, Communications Unit
New York, NY 10007

Defendant No. 3

Defendant No. 4

Defendant No. 5

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Please see attached

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Please see attached -

~~Mr~~ Fritz Celestin sustained injury to his wrist, back, neck and knees. Consistent physical therapy needed, as well as pain treatment. This was deprived as, Dr. Lefurji did not feel it was necessary despite constant requests for medical attention

The time and place where the claim arose

*Date of Incident: 08/10/2016 Format: MM/DD/YYYY
 Time of Incident: Format: HH:MM AM/PM

*Location of Incident:

First Avenue between E. 35th and E. 36th Streets, New York, NY on Bus No. 353.

Address:

Address 2:

City:

State:

Borough:

NEW YORK

MANHATTAN (NEW YORK)

*Manner in which claim arose:

Attach extra sheet(s) if more room is needed.

On August 10, 2016, approximately between 5:50PM and 6:30PM, Fritz Celestin and other inmates were en route to Riker's Island/OBCC from Bellvue Hospital on Bus No. 353. He had a scheduled appointment that day. Bus driver Myers #15357 was driving fast and erratically on First Avenue between E. 35th and E. 36th Streets. He was accompanied by passenger escort Giley #11708. Mr. Myers had no regards for Fritz and the inmates' safety as he transported them. They were handcuffed to each other and had to endure Myers accelerating rapidly and slamming on the breaks repeatedly until finally causing an accident. Myers did not stop the bus, but instead fled the scene even though Fritz and the other inmates alerted him that he hit a Black Hyundai Sonata (License Plate No. FPR 3545). The car that was hit in the accident had to chase the bus for two city blocks before pulling up in front of the bus while at a red light, preventing the bust from moving. NYPD Officer Kitz #17091 from the 17th precinct reporting to the accident. In the midst of all this, Fritz hurt/hit his head and knees on the gates in the bus. He hurt his right wrist that was handcuffed to the inmate sitting next to him, both ankles, his back and neck are also in pain. Causing him more injuries to an already existing one. Once back on the island, Myers let Fritz and the other inmates off the bus and never reported the accident to anyone. Fritz let one of the correctional officers know what happened and was instructed to go make a report. He sat for three or more hours to give/get an accident report and while waiting downstairs to go to West facility for an x-ray, Dr. Letungi (sp?) told the nurses not to give Fritz Celestin a neck brace because there was nothing wrong with him. He had come to this conclusion without examining Fritz Celestin. Denial of medical attention has been an ongoing problem for Fritz Celestin since arriving at Riker's Island. After being seen by the doctors in West Facility, Fritz Celestin was given a cane and told he needs/will receive 15 sessions of physical therapy. Once back at OBCC, Dr. Letungi questioned Fritz Celestin as to where he got his cane and wanted to take it away. He seemed furious to think his staff had disobeyed his orders not to assist Fritz Celestin with pain relief/medical needs. When he found out it was given to Fritz Celestin at West Facility, he left the issue alone. He did, however, stop the process on the physical therapy because Fritz Celestin has not yet received 15 sessions of physical therapy. A call to 311 was made regarding this incident. 311 Service Ref. No. 1-1-1291147395.

The items of damage or injuries claimed are (include dollar amounts):

Attach extra sheet(s) if more room is needed.

Fritz Celestin sustained injury to his wrist, back, neck and knees. This accident caused more injureies to his already existing injury, the reason he was going for a Doctor's visit at Bellvue hospital in the first place. Fritz would like one million in damages for negligence with regard to his safety and health while in custody of the Dept. of Correction and the Dept. of Health.

* Denotes required field(s).

V. Relief:

State what relief you are seeking if you prevail on your complaint.

One Million in damages for negligence with regards to Fritz Celestin's
Safety and health while in custody of the Dept. of Correction

I declare under penalty of perjury that on August 5, 2017, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 5th day of August, 2017. I declare under penalty of
perjury that the foregoing is true and correct.

Fritz Celestin
Signature of Plaintiff

Otis Bantam Correctional Facility
Name of Prison Facility

16-00 Hazen Street
East Elmhurst, NY 11370
Address

1131600248
Prisoner ID#